IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 23924 of 2004

Between:

Dantuluri Ramachandra Raju S/o.D.B.A. Rama Raju
V.P.Sub Division-3, Amadalavalasa, Vansadhara Circle, Srikakulam.

..... PETITIONER

AND

1 The Govt., of Andhra Pradesh Rep. by its Secretary to Govt.,
Irrigation and CAD (Ser.VI.2) Dept., A.P.Secretariat, Hyderabad.
2 The Engineer-in-Chief (Admn. Wing) Irrigation and CAD Department,
Eerramanzil, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus directing the respondents to consider and promote the petitioner as Executive Engineer without reference to the A.C.B case in C.C.No.12 of 2000 on the file of III Additional District and Sessions Judge-Cum-Special Judge for A.C.B. cases, Visakhapatnam, from the date when his Juniors were promoted with all consequential benefits.

Counsel for the Petitioner:MR.S.SATYAM REDDY

Counsel for the Respondents: GP FOR SERVICES II

The Court made the following :

O R D E R: (PER GB.J)

1) This writ petition is filed challenging the order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.6368 of 2004, dated 24.11.2004.

2) The petitioner is an applicant before the Tribunal. He filed O.A.No.6368 of 2004 before the Tribunal seeking promotion to the post of Executive Engineer on Ad hoc basis, without reference to the pendency of C.C.No.12 of 2000 in A.C.B. Court. The Tribunal after considering the matter disposed of the O.A. with the following directions.

> "*In the light of the facts and circumstances of the case, this O.A. is also disposed of with similar orders as was given in O.A.No.5793 of 2004, dated 29.10.2004 to the effect that the applicant's case shall be placed before the DCP at the time of*

considering the cases of candidates for promotion to the post of Executive Engineer in terms of G.O.Ms.No.424 GA (Ser.C) Department, dated 25.5.1976 and followed by other G.Os., if he comes within the zone of consideration, as every employee has a fundamental right to be considered and it is for the DCP to decide the fitness and suitability or otherwise of the candidates with reference to the rules to consider the inclusion of the names of the employees in the panel."

3) Aggrieved by the said order, the present writ petition has been filed.

4) The learned counsel for the petitioner submits that G.O.Ms.No.424 GA (Ser.C) department, dated 25.05.1976 is not applicable to the case of the petitioner and that the petitioner cannot be kept without promotion for unduly long period and therefore, the Tribunal ought to have granted positive orders by promoting the petitioner as Executive Engineer.

5) As the petitioner is facing criminal trial in the A.C.B. Court, we cannot accept the contentions raised by the learned counsel for the petitioner. In such a situation, there cannot be a better relief than what was granted by the Tribunal. Thus, we do not find any ground in the writ petition.

6) The writ petition is, therefore, dismissed. No costs.

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G.BIKSHAPATHY.J.,

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P.S.NARAYANA.J.,

Dt.08.02.2005

tjs

To

1) Secretary, Government of Andhra Pradesh, I & CAD (Ser.VI.2) Department, Secretariat, Hyderabad.

2) The Engineer-in-Chief (Admn.Wing) I & CAD Department, Errummanzil, Hyderabad.

3) 2 CCs to the G.P. for Services-II

4) CD copies.